

Planning appeal on behalf of Mr Gardiner in respect of the decision of the Eastleigh Borough to refuse planning permission for a two-storey side extension; part two storey and part single storey rear extension at 6 Roman Close, Chandlers Ford, SO53 2AW

LPA reference: H/25/99146

Refusal date: 14th July 2025

The following comprises the statement of case on behalf of Mr Gardiner in respect of the decision of the Eastleigh Borough (the LPA) to refuse consent for a part single storey and part two storey extension at 6 Roman Close, Eastleigh.

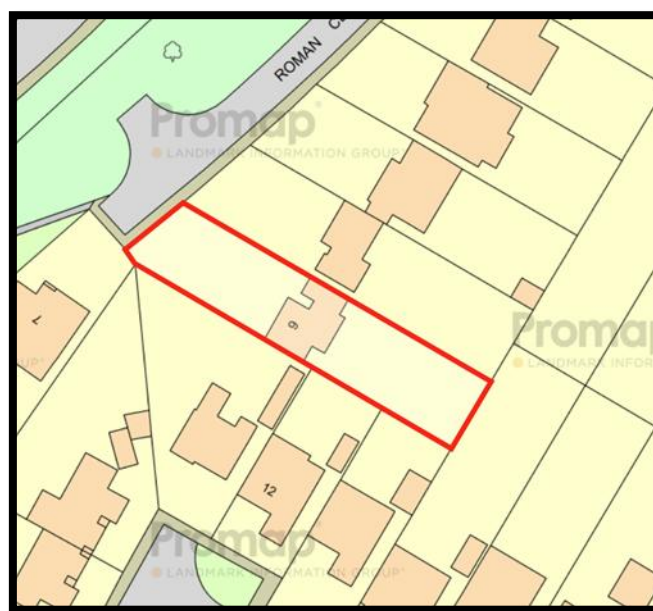
LPA concerns are focussed on the potential impact of the two-storey element of the proposed extension on the residential amenities of no 5 Roman Close – in terms of potential overshadowing and loss of outlook.

The following statement will therefore seek to address these concerns within the context of LPA policy advice and BRE guidance.

The site and surrounding area

The appeal property comprises a detached house located to the east of Roman Close, Chandlers Ford. The immediate neighbour, no. 5 Roman Close is located to its immediate north.

Both properties are shown in the following extract:



Both properties have a large, east facing gardens of c25m in length.

The appeal property is sited to the immediate south-west of no. 5 Roman Close and as such the existing dwelling (and proposed extension) will overshadow the neighbouring rear garden in the afternoon period.

Roman Close is characterised by the presence of a number of detached houses of a similar design. Some of them have been altered over the years to provide two-storey side extensions that have subtly changed the character of Roman Close.

This is evidenced by the following photographs that show some of the neighbouring dwellings;



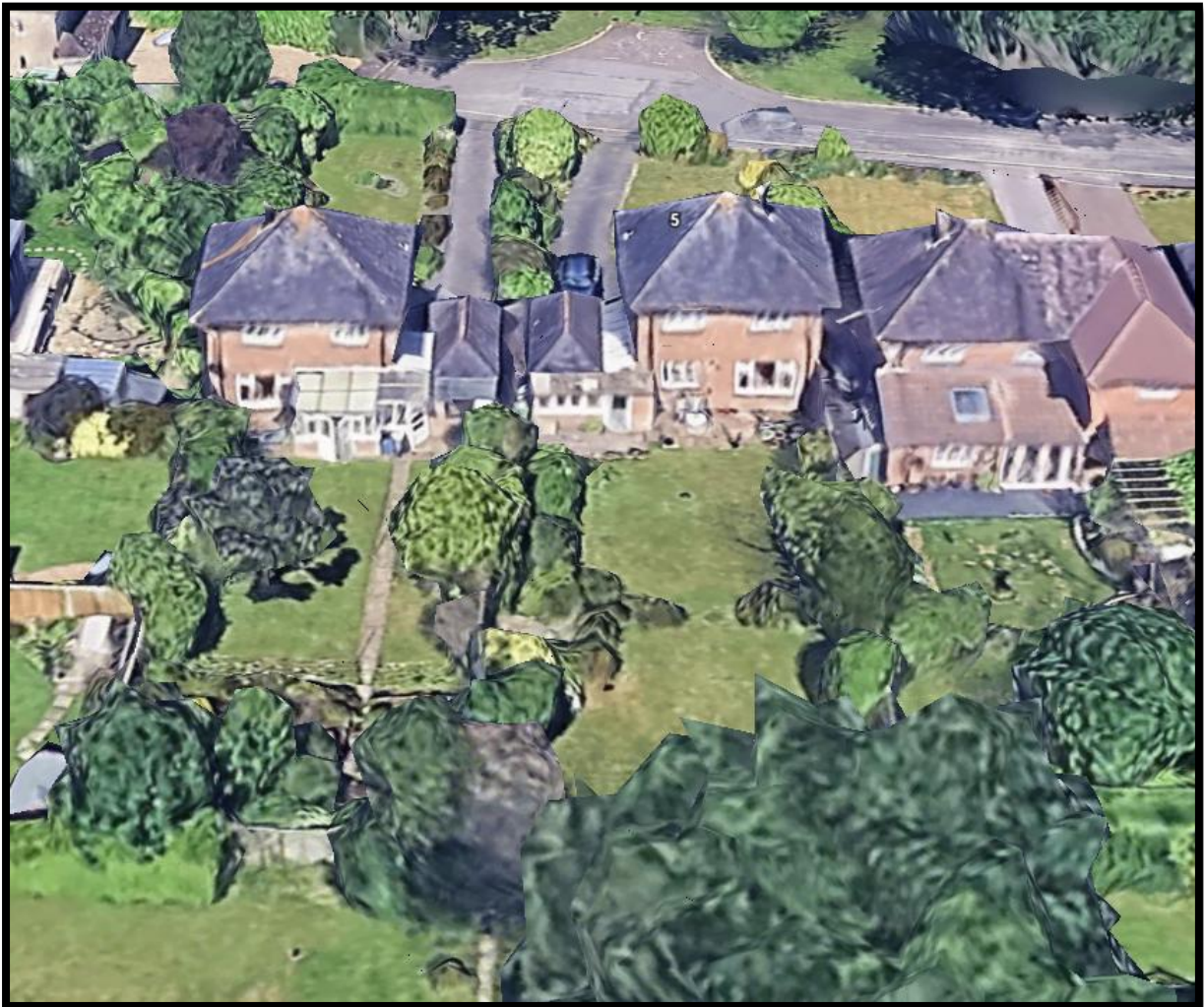
Both the appeal site and no. 5 Roman Close appear to be in their original format – namely two-storey detached houses with single storey garage to their side.

The following photograph shows the appeal dwelling from the highway:



No 5 Roman Close has its garage to the south of the dwelling (thereby mirroring the appeal property). This means that the dwelling, (and thus any habitable rooms) is set some 6m from the common boundary with the appeal site.

This is evidenced in the following image of both the appeal site and no. 5 (courtesy of Google Earth) that clearly shows the relationship of no. 5's garage and house to the appeal site as well as the extent and depth of the rear garden:



The site is not a listed building nor is it located in a conservation area.

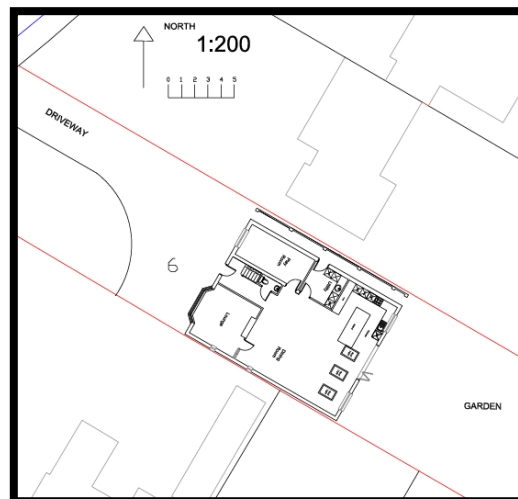
Planning history

A planning for a part two storey and part single storey rear extension was submitted on the 28th March 2025 and refused on the 14th July 2025 (application no. H/25/99146).

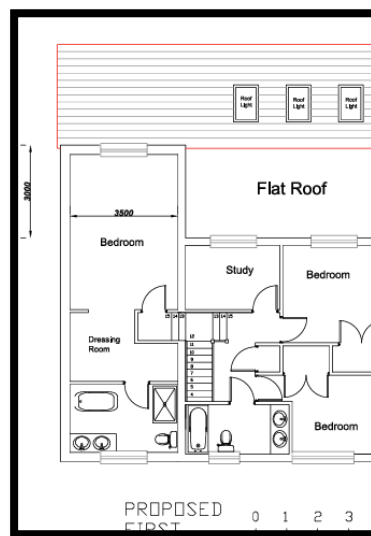
The appeal proposals comprise the following elements:

- A two-storey side extension on the common boundary (with an eaves height of 5.7m) with no. 5 Roman Close. This two-storey extension extends beyond the rear building line of the existing building by 3m.
- A single storey rear extension.

The following extract, taken from the block plan, shows the proposed footprint (though it should be noted that this denotes the extent of the single storey elements of the scheme):



The following extract, taken from the floorplan, shows the extent of the first floor element;



The following extract shows the proposed elevation to the highway;



The reasons for refusal are as follows:

The proposed extension, due to its excessive height and depth adjacent to the northern boundary, would be visually overbearing and result in an unacceptable impact in terms of loss of outlook and light to the neighbouring residents to the north. The proposal is therefore contrary to Policy DM1 of the Eastleigh Borough Local Plan (2016-2036).

The officer report makes the following points:

- Given that the site is set well back from the highway and there are other local examples of bulky two-storey extensions no objection is raised with regard to impact on the character of the area/streetscene.
- No concerns are raised with regard to the impact of the proposed development on the residential amenities of neighbouring dwellings to the south.

- Concerns are therefore focussed on potential harm to the residential amenities of no 6 – *the significant depth and height of the extension ...would impact on light and outlook and appear visually overbearing and dominant when viewed from the nearest rear windows and garden of this neighbouring property.*

Planning policy

Section 38(6) of the Planning and Compulsory Purchases Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

The revised National Planning Policy Framework was published in December 2024.

Paragraph 48 reinforces S38(6) of the Planning and Compulsory Purchases Act 2004, as follows:

48. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The adopted local plan is the Eastleigh Borough Local Plan (20162036).

Policy DM1 states the following:

Policy DM1, General criteria for new development

1. *All new development should (as relevant):*
 - a. *not have an unacceptable impact on, and where possible should enhance:*
 - i. *residential amenities of both new and existing residents; the character and appearance of urban areas, the countryside and the coast;*
 - ii. *biodiversity (avoiding significant adverse impacts); and*
 - iii. *the significance of heritage assets;*
 - b. *make efficient use of the site, maximise opportunities to increase density and have regard to potential development opportunities on adjoining land;*
 - c. *take full and proper account of the context of the site including the character, appearance and land uses of the locality or neighbourhood, and be compatible with adjoining uses and be well integrated with these in terms of mass, scale, materials, layout, density, design and siting, both in itself and in relation to adjoining buildings,*

spaces and views. Where adjoining development is poor in urban design terms, new development should contribute to improving the character of the area;

d. not involve the loss of or damage to trees, woodlands, hedgerows, ponds, priority habitats or other landscape features of value to the character of the area, for appearance or biodiversity unless they can be replaced with features of equivalent or enhanced value, (recognising that some species and habitats may be irreplaceable);

e. include a landscape scheme covering the design and layout of external space;

f. protect and enhance public rights of way and National Trails and provide fully connected green infrastructure that interlaces the development and connects into the wider network;

g. provide satisfactory management arrangements for all landscape, green infrastructure and biodiversity enhancement;

h. incorporate provision for people with disabilities and create accessible communities that cater for all;

i. incorporate design measures to inhibit criminal and anti-social behaviour;

j. incorporate provision for on-site waste management; and

k. include provision for public art associated with new large scale development in accordance with the Council's adopted Public Art Strategy.

Reference is also drawn to LPA SPD in the form of *Quality Places* sets out LPA guidance on the impact of new development, including extensions on neighbouring dwellings and makes the following points:

- Extensions should be designed to ensure that windows of neighbouring dwellings enjoy reasonable daylighting
- For residential properties daylight levels are particularly important for living rooms, dining rooms and lounges.
- Guidance and tables are provided in the BRE report Site Layout Planning for Daylight and Sunlight – a Guide for Good Practice.
- The 45degree line is relevant for assessing impact re loss of daylight with regard to neighbouring dwellings.
- Extensive of sunlight to an existing property or its garden should be avoided.

Residential Amenity 33

Daylight and Sunlight

Daylighting:

- The relative heights and separation of buildings should be adjusted to ensure that the windows of neighbouring properties enjoy reasonable day lighting.
- Where this is likely to be an issue, the applicant should provide drawings to demonstrate that anticipated problems can be overcome.
- It is recommended that new dwellings should meet the daylighting standards set out in S30205 part II (which also accords with the Code for Sustainable Homes Standard).
- For houses and flats, the impact of adjoining structures on the level of daylight available is particularly important in living rooms, dining rooms and kitchens.
- Daylighting in bedrooms may also be considered, but is generally considered less important except where this is the main private accommodation such as in residential homes.
- Detailed proposals should also take account of local circumstances like level difference between properties and orientation.

Guidance and tables are provided in the BRE report *Site Layout Planning*

for *Daylight and Sunlight – a Guide to Good Practice* published in 2002. This guidance should be used if there is doubt about the acceptability of proposals with regard to daylighting and sunlight after the tests described have been carried out.

Day light checking for extensions:

- On the window wall elevation an angle is drawn diagonally down at 45 degrees from the near top corner of the proposed extension.

Fig 50: Daylight checking for rear extensions

The diagram illustrates the method for checking daylight for rear extensions. It consists of two parts: an elevation view and a plan view. In the elevation view, a red line is drawn from the top corner of the proposed extension at a 45-degree angle to the existing window wall. In the plan view, a red line is drawn from the top corner of the proposed extension at a 45-degree angle to the existing window wall.

- If an obstructing building exceeds this relative height, then further analysis can be carried out to quantify the amount of skylight falling on a vertical window known as the 'vertical sky component'. This is described in detail in the BRE report referred to above.

must take account of the effect of shading on existing solar panels.

Further information and tables for calculating sunlight availability at different times of the year are available in the BRE guide.

Sunlighting:
The extensive obstruction of sunlight to an existing property or its garden by the construction of a new building or extension is likely to be resented by existing occupiers.

Designs for new buildings or extensions

Key Design Principle 11 (Residential Amenity):
New development should be designed to respect the residential amenity of existing and new occupiers and all dwellings should have adequate private amenity space.

Assessment

The concerns of the LPA focus on loss of outlook from relevant windows to no 6 Roman Close and rear garden as a result of the proposed extension and overshadowing.

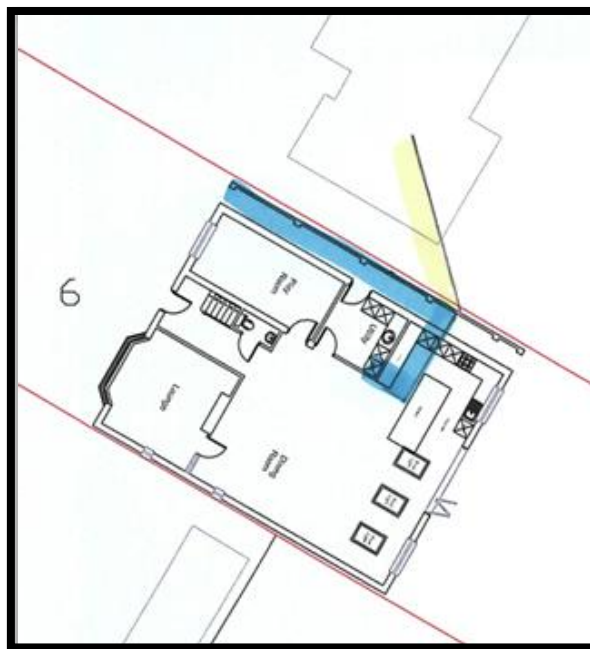
The LPA appear to be arguing that potential harm will result in the following:

- Loss of outlook from neighbouring windows
- An overbearing feature when viewed from the neighbouring garden
- Overshadowing

Dealing with these issues in turn:

Loss of outlook from neighbouring windows – the LPA SPD *Quality Spaces* defines and overbearing feature as one that breaches the 45degree line as measured from the centre of the relevant window as measured in the vertical and horizontal.

The first-floor rear extension projects some 2m to the rear of the rear building line of no 5. The 45degree line is therefore as per the following extract (two-storey element outlined in blue):



Impact in this regard is clearly restricted to the side elevation of the neighbouring single storey garage. It is clear from a site visit that this garage does not contain habitable rooms and as such harm in respect of creating an overbearing feature will not materialise.

Reference to the Quality Spaces SPD makes it clear that the relevant considerations are the 45degree line. It states that where the centre of a neighbouring window breaches both the 45degree line in the horizontal and vertical the harm in terms of loss of daylight will occur. The above plan shows that there will be no such breach on the rear elevation of no. 5.

SPD also includes specific concerns over impact on *living rooms, dining rooms and lounges*. The garage does not appear to contain any such rooms. The main dwelling at no 5 is set some 6.5m from the common boundary with the appeal site and so it is clear (given that the height of the proposed extension is 5.7m) that no habitable windows on the rear elevation will breach the 45degree line in either the horizontal or vertical.

Impact on the rear garden of no. 5 – given that the proposal comprises a two-storey rear extension on the common boundary it is inevitable that the proposal will be visible from the neighbouring garden. However, this clearly does not mean that the extension will necessarily be overbearing.

The SPD Quality Spaces does not appear to consider the issue of what constitutes an overbearing feature to a neighbouring garden and so this comes to a subjective assessment.

The following image shows that the proposed two-storey element of the proposed extension (edged in blue) within the context of the adjoining house:



It is clear that the proposed works are well contained within the appeal site and will be viewed within the context of the existing building.

No 5 has a 26m back garden and its width is 13m. Overall the area of this garden is some 315sq-m. This is clearly a large garden and provides the opportunity for residents to enjoy it without the constraint of the proposed extension – which would be located in one corner of the site.

It is therefore argued that the proposed extension will not comprise an overbearing feature when viewed from the neighbouring property.

Overshadowing – it is agreed that the proposed extension will result in some overshadowing to the rear garden of no.5.

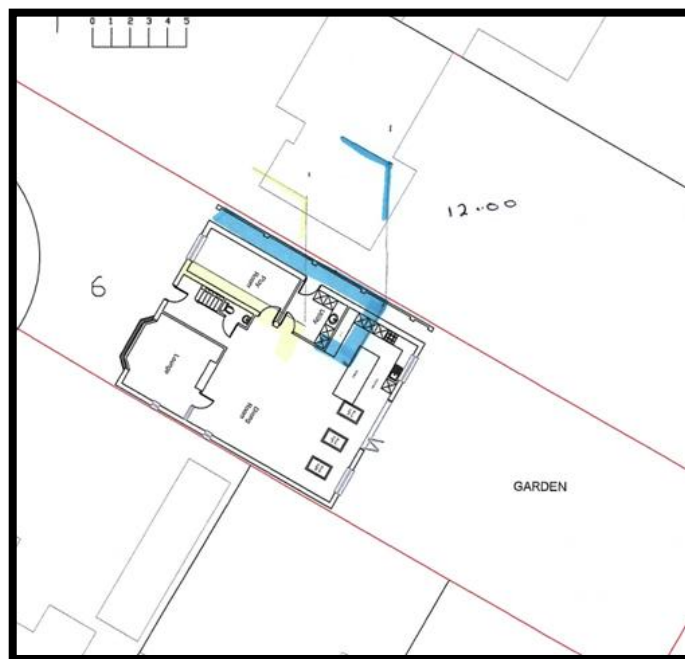
However, it should be noted that the existing dwelling (i.e. at the appeal site) also results in overshadowing to this neighbouring garden and so the correct assessment should be the relative impact of the proposed extension. Overshadowing of the rear garden of no. 5 by its existing dwelling is also a consideration.

The appeal site is located to the south-west of no. 5 and both buildings have comparable building lines. The proposed extension will cast a shadow over the rear garden of no, 5 in the afternoon period only i.e. from 12.00midday onwards.

The shadow diagrams showing the relative impact of the existing dwelling, the rear extension and the existing house at no. 5 are attached as an appendix. They seek to show impact between the hours of 12.00midday to 4.00pm on the 21st March and are as follows;

The shadows in yellow denote impact of the appeal site's existing dwelling. The shadows in blue denote the impact of the proposed extension. The shadows in green show the impact of the existing house at no. 5.

12.00midday – the existing dwelling and proposed extension will overshadow the garage only.



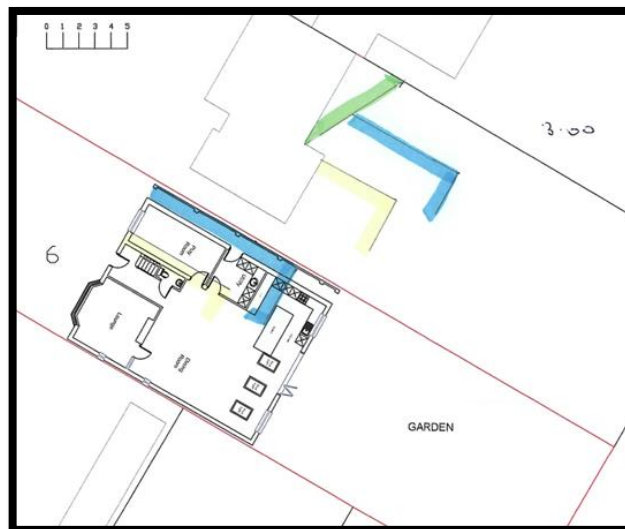
1.00pm – the existing dwelling will overshadow the garage only. There will be some overshadowing to the rear of the garage as a result of the proposed extension.



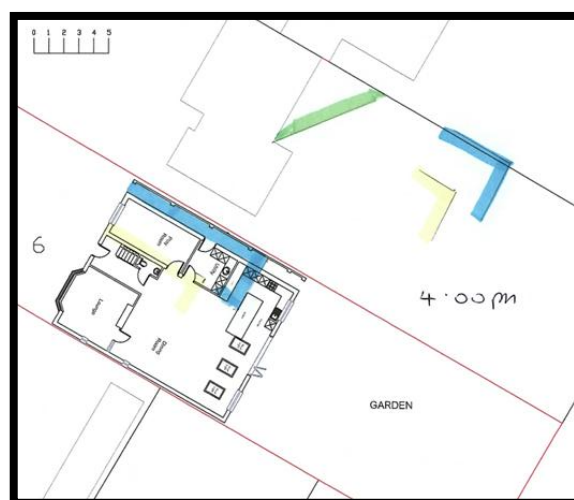
2.00pm – the existing extension will start to overshadow the area to the rear of the garden. The proposed extension will have a similar impact albeit slightly larger and restricted to the width of the garage and not to the rear of the actual house. No.5 will start to overshadow the rear garden.



3.00pm – the existing extension will start to overshadow the area to the rear of the garage. The proposed extension will start to overshadow part of the garden to the rear of the house.



4.00pm – both the existing and proposed rear extension will overshadow large parts of the rear garden,



It should be noted that, in accordance with BRE Guidelines the shadow diagrams set out the extent of overshadowing on the 21st March – comprising the equinox. As such, in the summer when the sun is higher, and gardens are more likely to be used, the shadows are significantly shorter. During this period both the actual and relative impact of the proposed extension will be diminished.

Whilst it is therefore agreed that the proposed extension will result in some overshadowing to the neighbouring dwelling this should be viewed within the

context of both existing dwellings. Furthermore, it is clear that any impact will be significantly reduced in the summer months when gardens are more likely to be used.

Conclusion

It has been demonstrated that the appeal proposals meet the requirements of policy DM1 and that it will not harm local residential amenities. The Inspector is respectfully requested to allow the appeal under consideration.

Appendices

1. 45-degree line
2. Shadow diagrams